

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING MINUTES**

November 28, 2007

**Room 474 - 4th Floor - 09:00 A.M.
Heber Wells Building
160 East 300 South
Salt Lake City, Utah**

CONVENED: 09:00 AM

ADJOURNED: 12:25 PM

DOPL STAFF

F. David Stanley, *Director*
Dennis Meservy, *Bureau Manager*
Clyde Ormond, *Bureau Manager (Bureau 6)*
Wayne Holman, *Investigations Supervisor*
Yvonne King, *Commission Secretary*
Ray Walker, *Reg/Comp Officer*

MEMBERS PRESENT

Bradley Stevens, *Chairman & Electrical Board Chairman*
Wendy Gibbs
John Wilcox
Joel (Marty) Jolley
Steve Bowers
Larry Love, *Burglar Alarm Board Chairman*
Carl Tippets
David Told, *Plumbers Board Chairman*

VISITORS

Alan Archuletta, *Archuletta HVAC/Full Systems LLC*
Jeff Pedersen, *Utah Plumbing & Heating Association*
Eric Eastlyn, *Contractor's School Inc*
Sarah Lamb, *Utah Contractor Center*

MINUTES

David Told made a motion to approve the October 2007 commission meeting minutes as written. Larry Love seconded the motion and all members voted in favor.

MASTER PLUMBER

According to Jeff Pedersen, the proposed legislation for the master plumber license classification would mirror exactly the statute for the master electrician. The plumbing board had already written a letter of support for the master plumber license classification that was addressed to the state legislator. Pedersen requested from the commission a written statement in support of this pending legislation. The commission, with the approval of the Plumbing Board, thought this could be done by updating the Plumbing Board's letter. The commission supported the pending legislation as long as it mirrored the present statute language of the master electrician.

The Plumbing Board would be meeting on December 5th and the letter was needed before the commission met again on January 30, 2008. Love made a motion to approve the presented letter from the Plumbing Board and give Bradley Stevens and Dennis Meservy the ability to make changes to the letter to include the commission's position as long as the substance of the letter was not changed. Told seconded the motion and all members voted in favor.

CONTINUING EDUCATION

According to Meservy, Francine Giani, the Director for the Department of Commerce, requested the commission to consider changing the proposed administrative rules for continuing education to include requiring that at least one hour of continuing education be in pay practices. The commission discussed that pay practices had already been included in the proposed rule. The statute for contractors only provided for a total of six hour of continuing education for each renewal cycle and in addition to pay practices there were other important issues. Steve Bowers made a motion to not change the proposed continuing education rule as previously approved. Love seconded the motion and all members voted in favor.

BUSINESS & LABOR

The commission in their October meeting came up with recommendations, in regard to abuses in contractor pay practices, for the state legislative Business and Labor Committee. F. David Stanley said he met with this committee. He presented them with the commission's recommendations and the legislative committee received them without comment.

TESTING

Stanley stated the testing provider for the Division will be changing on January 1, 2008. The Division has made the decision to eliminate, for the most part, the paid examinations that cover the administrative rules for the various professions. However, this did not apply to the construction trades. The construction trades would continue to have the business and law examination.

SENATOR ED MAYNE

State Senator Ed Mayne recently passed away. Stanley suggested a letter of condolences be sent to the family. Carl Tippetts made a motion to approve the letter. Love seconded the motion and all members voted in favor.

DISCIPLINARY REVIEW

Archuletta HVAC/ Full Systems LLC
Alan Archuletta

Alan Archuletta asked the commission to eliminate the probationary period on his license.

Tippets made a motion to reduce the probation on the license from five to four years. It was understood that this reduction in probation would require a new stipulated agreement. John Wilcox seconded the motion. Wendy Gibbs and Love did not favor a reduction in the probation and opposed the motion. However, six commission members voted in favor of the motion and the motion carried.

Chazz LLC/Charles J Yellowitz

Meservy presented a Memorandum of Understanding and Order for Charles J Yellowitz doing business as Chazz LLC. A probationary license was previously issued to Charles J. Yellowitz as a sole proprietor. Yellowitz, a carpentry and siding contractor, was now requesting licensure as Chazz LLC. Love made a motion to approve the memorandum of understanding. Bowers seconded the motion and all members voted in favor. Yellowitz as Chazz, LLC would be issued a probationary license (Case # DOPL 2007-247) with conditions included under the previous memorandum (Case # DOPL 2006-184). The memorandum for Chazz LLC, once it was received in the mail from Yellowitz, would be properly signed.

Nation Builders, Inc
Max Seiuli Ahquin

Wayne Holman presented a Stipulation and Order for the surrender of the license for Nation Builders Inc, a general building contractor (Case # DOPL 2007-244). Bowers made a motion to approve the stipulation. Love seconded the motion and all members voted in favor.

Holman presented a Stipulation and Order for Max Seiuli Ahquin (Case # DOPL 2007-243). Ahquin was ordered to pay a fine of \$3,000. He was not to be a qualifier on any type of license for four years. Also, the time he spent working for National Builders, Inc and Red Hill Aluminum Inc would not count towards qualifying construction work experience. Wilcox made a motion to approve the stipulation. Love seconded the motion and all members voted in favor.

Equity 1st Builders, Inc

Holman presented an application for Equity 1st Builders Inc to practice as a contractor. Tippets made a motion to deny approval of the application, because there were aggravating circumstances involving Max Ahquin. Wendy Gibbs seconded the motion. Five members voted in favor. However, Love, Marty Jolley, and Wilcox opposed the motion. Bowers, after additional discussion, made a motion to reconsider the first motion. Tippets seconded the motion and all voted in favor. Tippets later made a motion to deny the stipulation and application for license. Bowers seconded the motion. The commission members, except for Love, voted in favor and the motion carried.

Best Cost Builders Inc

Wayne Holman presented an application for Best Cost Builders Inc to practice as a contractor. Bowers made a motion to deny the application for licensure due to aggravating circumstances involving Max Ahquin. Tippetts seconded the motion and all members voted in favor.

Red Hills Aluminum Inc

Wayne Holman presented a Stipulation and Order for Red Hill Aluminum Inc (Case # 2007-231). The company is licensed for general contracting, general engineering and siding. Red Hills Aluminum was fined \$1,000. However, \$500 of the fine would be suspended. Bowers made a motion to approve the stipulation. Wilcox seconded the motion and all members voted in favor.

Aspen Inc A Professional Corporation
Stan Freeman

Holman presented a Stipulation and Order for Aspen Inc A Professional Corporation to practice as a residential and small commercial contractor (Case DOPL # 2007-232). Aspen was placed on probation until November 30, 2009 and fined \$1,000. However, \$200 of the fine would be suspended. Aspen and Stan Freeman would also cease and desist from engaging in the practice of an electrician until properly licensed to do so. Love made a motion to approve the stipulation. Told seconded the motion and all members voted in favor.

Highway Technologies Inc

Meservy presented an Order reinstating the license of Highway Technologies, Inc (DOPL # 2005-69) to practice as a non-electrical sign contractor. It appears the conditions of the stipulation and order have been met. Wilcox made a motion to approve the order terminating the probation and reinstating the license. Told seconded the motion and all members voted in favor.

American Custom Home Builders Inc

Meservy presented an Order reinstating the license of American Custom Home Builders, Inc (DOPL# 2005-224) to practice as a residential and small commercial contractor. It appears the conditions of the stipulation and order have been met. Tippetts made a motion to approve the order terminating the probation and reinstating the license. Bowers seconded the motion and all members voted in favor.

Excel Heating & Air Conditioning
Service, Inc

Meservy presented an Order reinstating the license of Excel Heating & Air Conditioning Service, Inc (DOPL-2004-206) to practice as a HVAC contractor. It appears the conditions of the stipulation and order have been met.

Tippets made a motion to approve the order terminating the probation and reinstating the license. Jolley seconded the motion and all members voted in favor.

INVESTIGATIONS

Wayne Holman submitted a report on criminal misdemeanor filings, criminal felony filings, administrative filings, citation fines, administrative fines, cases received, cases assigned, cases closed, citations issued, site surveys, building inspectors contacts, MHRV inspections, owner/builder permits received, owner/builder investigations and letters of warning. This report gave a comparison for the years 2003 to November of 2007.

All business concluded meeting adjourned.

Note: This report is not intended to be a verbatim transcript, but is intended to record the significant features of what was discussed in the meeting. Discussed items are not necessarily arranged in chronological order.

(ss) Bradley Stevens
Bradley Stevens, Commission Chairman

Date: January 30, 2007

(ss) Dennis Meservy
Dennis Meservy, Bureau Manager

Date: January 30, 2007